

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOANN ESTATES UTILITIES, INC.)	
)	
_____)	CASE NO.
)	90-408
ALLEGED VIOLATION OF KRS CHAPTER 278))	

O R D E R

Joann Estates Utilities, Inc. ("Joann Estates") is a Kentucky corporation which operates three sewage treatment systems in the Joann Estates, Wilmington-Chiles and Timberland Subdivisions. The three wastewater systems are located in McCracken County and serve a total of approximately 181 customers.

KRS 278.280 authorizes the Commission to prescribe rules for the performance of any service furnished or supplied by a utility. 807 KAR 5:071, Section 7, requires sewage treatment facilities to be constructed, installed, maintained, and operated in accordance with accepted good engineering practices.

On September 25, 1990, Commission Staff conducted an inspection of Joann Estates' sewage treatment facilities for compliance with the above regulation. Staff subsequently submitted to the Commission a Utility Inspection Report, attached hereto as Exhibit A and incorporated herein by reference, which reported multiple instances of plant maintenance and operation which were not in conformity with accepted good engineering

practices. The Commission provided a copy of the Utility Inspection Report to Joann Estates by letter dated October 12, 1990. That letter instructed Joann Estates to respond to the report no later than November 12, 1990, the response to include a schedule for correction of the deficiencies and the related cost of each improvement. Joann Estates was also reminded that many of the deficiencies listed were repeat violations noted in the inspection reports of 1988 and 1989, and that failure to correct the violations could be considered cause for the initiation of enforcement proceedings. As of the date of this Order, no response has been received from Joann Estates.

The Commission finds from Exhibit A that a prima facie showing has been made that Joann Estates has violated 807 KAR 5:071, Section 7, by failing to maintain and operate its facilities in accordance with accepted good engineering practices.

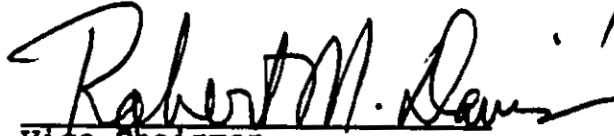
IT IS THEREFORE ORDERED that Joann Estates shall appear at a hearing scheduled for January 17, 1991, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's Offices at 730 Schenkel Lane, Frankfort, Kentucky, and be prepared to show cause why Joann Estates should not be penalized pursuant to KRS 278.990 for failing to comply with 807 KAR 5:071, Section 7.


IT IS FURTHER ORDERED that Joann Estates shall submit a written response to all allegations contained herein within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 18th day of December, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 613
FRANKFORT, KY. 40602
(502) 564-3940

October 12, 1990

Mr. Ronald Tucker
Joann Estates Utilities, Inc.
Box 172
Paducah, KY 42002-0172

Dear Mr. Tucker:

On September 25, 1990, Joann Estates Utilities, Inc. sewage facilities were inspected for compliance with KRS 278 and Commission regulations. A report on this inspection has been prepared, and a copy is enclosed for your review. The recommended improvements included in this report are necessary to bring your facilities into compliance with Commission regulations.

Please respond to this Report by November 12, 1990, outlining a correction schedule and the related cost of each improvement. If you require any clarification on the recommended improvements, please contact Larry N. Updike at (502) 564-7590 on this matter.

Sincerely,

A handwritten signature in cursive script, reading "Eddie B. Smith", is positioned above the typed name and title.

Eddie B. Smith, Manager
Water & Sewer Branch
Division of Utility Engineering
& Services

EBS:LNU:aem
Enclosure

Commonwealth of Kentucky
Public Service Commission

UTILITY INSPECTION REPORT

Joann Estates Utilities, Inc.
Paducah, Kentucky

Utility operations, utility maintenance, utility management and their impact on utility services and operating costs are a primary concern of the Commission and this Division. Our ongoing inspection program is to determine if the utility is in compliance with Kentucky Revised Statutes (KRS Chapter 278), Public Service Commission (PSC) Regulations (807 KAR) and that adequate, efficient and reasonable service is being provided.

Daily maintenance, daily operations and good operating records are essential in the operation of an efficient utility. Our inspections are intended to determine if the utility is in compliance with PSC regulations in these areas.

On September 25, 1990, Joann Estates Utilities, Inc. sewage treatment system was inspected for compliance with KRS Chapter 278 and PSC regulations (807 KAR). This utility consists of 3 wastewater treatment systems. Joann Estates, Wilmington-Chiles Subdivision and Timberland Subdivision. Joann Estates consists of a wastewater treatment plant and a collection system, Wilmington-Chiles and Timberland Subdivision consists of a wastewater treatment plant, collection system and a lagoon. This utility's three different wastewater treatment systems are located in McCracken County and have approximately 181 customers. Joann

Estates has approximately 90 customers, Wilmington-Chiles has about 80 customers and Timberland Subdivision has about 11 customers. Providing information and assistance during the inspection was Mr. Ronald Tucker, plant operator.

The improvements or corrections necessary to bring this facility into compliance with KRS Chapter 278 and PSC regulations (807 KAR) are as follows:

Joann Estates Utilities

1. The diffusers need to be inspected and repaired or replaced as necessary. (807 KAR 5:071, Section 7, 1)
2. The chlorine contact basin needs to be cleaned of sludge. (807 KAR 5:071, Section 7, 1)
3. A backup blower and motor unit or immediate access to one is needed in case of an emergency. (807 KAR 5:071, Section 7, 1)
4. The chlorination unit needs to be repaired and put in service. (807 KAR 5:071, Section 7, 1)
5. The tertiary unit needs to be cleaned of sludge and all foreign matter and placed in service. (807 KAR 5:071, Section 7, 1)
6. The bar screen needs to be kept clean. (807 KAR 5:071, Section 7, 1)
7. The plant is currently being operated without a comminutor. As long as the plant can be operated satisfactorily and produce an acceptable effluent the Commission may not require the use of a comminutor. However, the utility must monitor plant operations and immediately install a functioning comminutor should conditions warrant. (807 KAR 5:071, Section 7, 1)
8. The scum on the surface of the clarifier needs to be removed. (807 KAR 5:071, Section 7, 1)

9. The skimmers need to be checked for proper operation. (807 KAR 5:071, Section 7, 1)

Timberland Subdivision

1. The diffusers need to be inspected and repaired or replaced as necessary. (807 KAR 5:071, Section 7, 1)
2. A backup blower and motor unit or immediate access to one is needed in case of an emergency. (807 KAR 5:071, Section 7, 1)
3. The chlorination unit needs to be repaired and put in service. (807 KAR 5:071, Section 7, 1)
4. The chlorine contact basin needs to be cleaned of sludge. (807 KAR 5:071, Section 7, 1)
5. One pump in the wet well needs to be repaired and placed in service. (807 KAR 5:071, Section 7, 1)
6. The lagoon needs to be treated for duckweed. (807 KAR 5:071, Section 7, 1)
7. The lagoon impoundment bank needs to be inspected for muskrat damage and repaired if necessary. (807 KAR 5:071, Section 7, 1)
8. The grass and weeds around the surface edge of the lagoon need to be cut. (807 KAR 5:071, Section 7, 1)
9. The trees, grass and cattails around the lagoon need to be cut. (807 KAR 5:071, Section 7, 1)
10. A security fence around the plant and lagoon is needed. (807 KAR 5:071, Section 7, 4)
11. The lift station at the plant needs to be cleaned of grease. (807 KAR 5:071, Section 7, 1)
12. Either a comminutor or a bar screen needs to be installed. (807 KAR 5:071, Section 7, 1)
13. The scum on the surface of the clarifier needs to be removed. (807 KAR 5:071, Section 7, 1)

14. The skimmer needs to be checked and repaired if necessary. (807 KAR 5:071, Section 7, 1)
15. The cap on the top of the sludge return needs to be replaced to stop the overflow of sludge on the ground. (807 KAR 5:071, Section 7, 1)

Wilmington-Chiles Subdivision

1. The diffusers need to be inspected and repaired or replaced as necessary. (807 KAR 5:071, Section 7, 1)
2. The chlorine contact basin needs to be cleaned of sludge. (807 KAR 5:071, Section 7, 1)
3. A backup blower and motor unit or immediate access to one is needed in case of an emergency. (807 KAR 5:071, Section 7, 1)
4. One pump in the wet well needs to be repaired and placed in service. (807 KAR 5:071, Section 7, 1)
5. The lagoon needs to be treated for duckweed. (807 KAR 5:071, Section 7, 1)
6. The grass and weeds around the surface edge of the lagoon need to be cut. (807 KAR 5:071, Section 7, 1)
7. The lagoon impoundment bank needs to be inspected for muskrat damage and repaired if necessary. (807 KAR 5:071, Section 7, 1)
8. The plant is currently being operated without a comminutor. As long as the plant can be operated satisfactorily and produce an acceptable effluent the Commission may not require the use of a comminutor. However, the utility must monitor plant operations and immediately install a functioning comminutor should conditions warrant. (807 KAR 5:071, Section 7, 1)
9. The grass inside the plant area needs to be cut. (807 KAR 5:071, Section 7, 1)
10. The scum on the surface of the clarifier needs to be removed. (807 KAR 5:071, Section 7, 1)

11. The effluent is not being chlorinated. (807 KAR 5:071, Section 7, 1)
12. The chlorine cabinet needs to be repaired. (807 KAR 5:071, Section 7, 1)
13. The wet well needs to be cleaned of grease. (807 KAR 5:071, Section 7, 1)
14. The overflow from the wet well going to the creek needs to be cleaned up and the area limed. (807 KAR 5:071, Section 7, 1)
15. The skimmer in the clarifier needs to be repaired. (807 KAR 5:071, Section 7, 1)

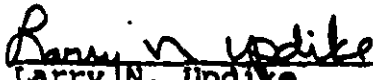
Items 1-7 listed under Joann Estates Utilities, items 1-14 listed under Timberland Subdivision and items 1-14 listed under Wilmington-Chiles Subdivision are repeat violations. These violations were noted in the inspection report of September 30, 1988 and October 9, 1989. The Commission is concerned about the utility's failure to make all corrections necessary to bring the facility into compliance with KRS 278 and PSC regulations (807 Chapter KAR). The failure to correct any violations may be considered cause for enforcement proceedings to be initiated. If such action becomes necessary, penalties may be imposed against the utility pursuant to KRS 278.990.

Recommendations

The repair or correction of the deficiencies listed above is necessary in order to restore this facility to an acceptable operating condition. The pertinent section of the Kentucky Administrative Regulations has been listed by each deficiency for your convenience. A written response should be prepared and

forwarded to the Commission by November 12, 1990, outlining a correction schedule stating what has been completed or what will be done to correct each deficiency and the related cost of each correction. A starting date and a completion date should be given for corrections that are to be completed after the date this response is mailed.

Submitted,
October 12, 1990


Larry N. Updike
Utility Investigator

SPJ

CGR:LNU:aem